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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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VINCENZO MAZZAMUTO, : CIVIL ACTION  
Plaintiff :  
v. :  
No. 1:01-CV-1157  
UNUM PROVIDENT :  
CORPORATION, PAUL REVERE : JUDGE CONNER  
LIFE INSURANCE COMPANY and :  
NEW YORK LIFE INSURANCE :  
COMPANY, : APR 16 2003  
Defendants :  
\_\_\_\_\_  
*970*

**FILED**  
**HARRISBURG, PA**

**MARY E. D'ANDREA, CLERK**  
Per \_\_\_\_\_  
**Deputy Clerk**

**DEFENDANTS' PROPOSED VOIR DIRE**

**A. Background Information**

1. Full name and address
2. Type of work; if retired, prior to retirement.
3. Education.
4. Married?
  - (a) Spouse's employment?
5. Children? If so, are any of them employed and if so where?
6. Describe any military service.
7. Ever served on a jury before? If so, describe type of case,

whether there was a trial, whether there was a verdict, whether you acted as a foreperson.

8. Have you or anyone in your family been involved as a party to a lawsuit?

- (a) Explain your involvement.
- (b) Was it tried or settled?
- (c) If tried was it a jury trial?
- (d) Did you feel the proceeding was in any way unfair?
- (e) Do you think you can be fair and impartial in this case

despite your prior involvement in litigation?

9. Do you or any of your family members have any legal training?

10. Do you or anyone close to you work for a law firm?

11. Do you or any of your family members have any training in the medicine or any health care related field?

12. Do you or anyone close to you work for a doctor's office, a medical facility or hospital?

#### **B. Knowledge of Case and Parties**

1. This case involves a dispute between the plaintiff, Vincenzo Mazzamuto and the defendants, New York Life Insurance Company, The Paul Revere Life Insurance Company and UNUMProvident Corporation over a claim plaintiff made for disability benefits under a disability insurance policy.

- (a) Have you heard of these parties before?
- (b) Do you have any knowledge of the facts of this case?

2. Do you have any financial interest in the outcome of this case?
3. Do you know, or do you know anyone who knows, any of the following:
  - (a) Vincenzo Mazzamuto
  - (b) Melissa Magner Mulry
  - (c) John Clarke, M.D.
  - (d) John W. Fogerty
  - (e) Dr. Robert T. Steinman
  - (f) Dr. Abram Hostetter
  - (g) Dr. Douglas Bower
  - (h) Dr. Stanley Schneider
  - (i) Gerada Mazzamuto
  - (j) Antonio Mazzamuto
  - (k) Francesco Mazzamuto
  - (l) Angelo Mazzamuto
  - (m) Antonio Tripoli
  - (n) Pam Hagerich
  - (o) Vincenzo Randazzo
  - (p) James Marshall
  - (q) Salvatore Ferrigno
  - (r) Theodore Kosenske, M.D.

- (s) Richard Angino or the law firm of Angino & Rovner
- (t) Tom Henefer or the firm of Stevens & Lee
- (u) Edward Corrigan

4. Have you ever served as a juror or a witness in any case involving any of these parties before?

### C. Bias Issues

- 1. Do you have any feelings of bias toward any of the parties or witnesses in the case?
- 2. The defendants are corporations. A corporation is entitled to the same fair and impartial jury as you would be if you were a party to a lawsuit. Do any of you think you could not be fair and impartial because defendants are corporations?
- 3. Will the fact that the plaintiff is an individual and that the defendants are corporations affect your judgment in this case?
- 4. Do any of you believe that an insurance company is not entitled to the same fair and impartial jury as an individual?
- 5. Will the fact that the plaintiff is an individual and that the defendants are corporations in the insurance industry affect your judgment in this case?
- 6. Does anyone have an insurance policy with:
  - (a) New York Life Insurance Company

- (b) UNUM Life Ins. Co. of America
- (c) Union Mutual Life Insurance Company
- (d) Provident Life and Accident Insurance Co.
- (e) The Paul Revere Insurance Co.
- (f) UNUMProvident Corporation
- (g) The Equitable
- (h) Commercial Life Ins. Co.

7. Have you or anyone close to you ever conducted any business with any of these companies?

8. Have you or anyone close to you ever conducted any business with plaintiff or a business called Vinny's Restaurant in Carlisle?

9. Has anyone here had a bad experience with an insurance company, for example, where you felt you were not treated fairly?

10. Has anyone here filed an insurance claim that was denied?

11. Have you or anyone close to you filed a lawsuit against an insurance company?

12. Does anyone here, for whatever reasons, simply not like insurance companies?

13. Have you or a family member been involved with any group or organization concerned with insurance practices?

14. Have you or a family member been involved with any group or organization concerned with consumer advocacy issues?

15. Have you, or anyone close to you, filed a claim for disability benefits with an insurance company, Social Security or Workers Compensation?

(a) Did you have any problems with the claim?

16. Does anyone believe that people are not required to tell the truth when filing an insurance claim?

17. Does anyone here believe that an insurance company is not allowed to investigate a claim to determine whether it is covered by the policy?

For example, if a person has an auto accident, do you believe that the insurance company is not allowed to see the car and the police report and interview the witnesses before paying the claim?

18. Has anyone seen or read media reports about the insurance industry that has made them suspicious or distrustful of insurance companies?

19. Has anyone seen or read media reports about any of the defendants in this action?

20. As you know, premiums are the money a person pays to buy coverage under a particular insurance policy. Do any of you believe that if someone pays premiums, for that reason alone, any claim they make under the policy must be paid regardless of whether the claim is covered by the terms of the policy?

**D. Duty As A Juror**

1. Would any of you have any problem accepting the law as the judge gives it to you?
2. The judge will instruct you that you should decide this case based on the law and the facts as you find them and not based on any sympathy you may feel for one party or the other. Will you be able to set aside any sympathy you may feel for one party or the other and render judgment based on the law and the facts as you find them?
3. Are you able to follow the Court's instructions on the law to be applied to the case even if you disagree with the law?
4. Do you believe that merely because a lawsuit has been filed, some wrong has been committed?
5. Do you believe that merely because a lawsuit has been filed, the plaintiff is entitled to damages?
6. Would you have a tendency to award damages just because you think a defendant can afford to pay them?
7. Is there any reason at all, however personal or private, that makes you think you would be unable to serve as a juror in this case, or that would affect your ability to be fair and impartial?
8. Is there anything that has occurred during the course of the proceedings today that anyone has thought of, that would change his or her answer

to the questions we asked earlier about whether there is any reason at all you could not be totally fair and impartial to both sides?

Dated: April 15, 2003

**STEVENS & LEE**

By

E. Thomas Honefer

E. Thomas Honefer

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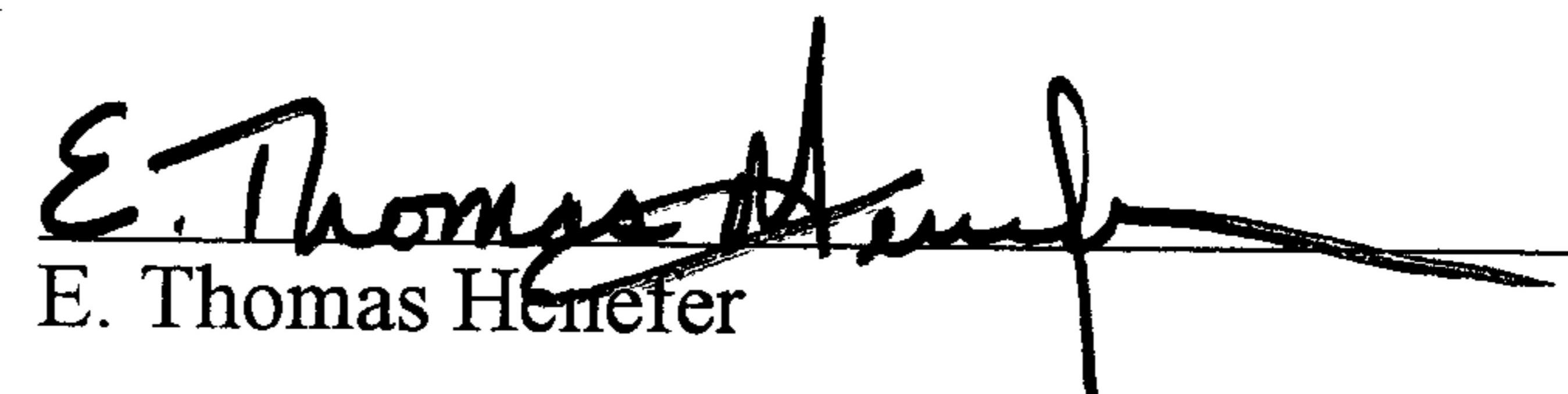
(610) 478-2000

Attorneys for Defendants

CERTIFICATE OF SERVICE

I, E. Thomas Henefer, Esquire, certify that on this date, I served a certified true and correct copy of the foregoing voir dire upon the following counsel of record, by federal express:

Richard C. Angino, Esquire  
Angino & Rovner, P.C.  
4503 N. Front Street  
Harrisburg, PA 17110

  
E. Thomas Henefer

Date: April 15, 2003